

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 18 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

KESHAVLAL VELJIBHAI THAKKAR

Versus

DECD. BHATT KANCHANLAL RANCHHODDAS THRO' HEIRS & L.R.

Appearance:

MR JITENDRA M PATEL for Petitioner
MR HM PARIKH for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 29/08/2000

ORAL JUDGEMENT

The petitioner-original plaintiff of Regular Civil (Rent) Suit No.216/99 (new number) on 21-8-99, submitted an application Exh.84 before the Court of learned Civil Judge (J.D.), Mahemdavad under Order 6 Rule 17 of the Code of Civil Procedure for amendment in

the plaint. After hearing learned counsel for the respective parties, the learned Civil Judge (J.D.), Mahemdavad vide order dated 20-10-99 rejected the said application on the ground that previously also the plaintiff has submitted application Exh. 39 whereby he prayed to add para 4-A to 4 C in the plaint on the same ground which was rejected on 10-9-97. Against the said order dated 10-9-97, the petitioner has preferred Civil Revision Application No.1639/97 which has been disposed of as withdrawn. Against the order dated 20-10-99, passed by the learned Civil Judge (J.D.) Mahemdavad, below Exh.84 in Regular Civil (Rent) Suit No.216/99, the petitioner has preferred this petition.

2. Heard learned counsel appearing for the respective parties. I have also perused the previous application Exh.39 with present application Exh.84 and also gone through the detailed reasoned order passed by the learned Civil Judge (J.D.), Mahemdavad, below Exh.84. On perusal of the same I am agreed that the all the paragraphs of the amendment application except paragraph 4 B is nothing but repetition of the application Exh.39 which is finally decided between the parties. It may be noted that paragraph 4 B of the amendment application Exh.84 is new fact which is not part of previous application Exh.39 because at the time of deciding application Exh.39, the present respondents were not parties in the proceedings. In view of the aforesaid facts and circumstances of the case, this petition is required to be allowed partly.

3. As a result of the foregoing discussion, this petition is partly allowed. The amendment as prayed for by the petitioner in amendment application Exh.84 at paragraph 4-B and consequential relief thereof is granted and rest of the paragraph of amendment application Exh.84 are rejected. The court below is hereby directed to permit the petitioner to amend the plaint accordingly. Rule made absolute to the aforesaid extent. Interim relief granted by this Court (Coram : K.M.Mehta, J.), vide order dated 7-2-2000 stands vacated.

(R.P.Dholakia, J.)

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